

New Jersey's Environmental Justice Executive Order is administered through the Department of Environmental Protection's Environmental Justice Program. For more information, visit DEP's Environmental Justice web page at <http://www.nj.gov/dep/ej> or call 609-777-0319.

ENVIRONMENTAL JUSTICE EXECUTIVE ORDER

WHEREAS, the State of New Jersey is committed to ensuring that all of its citizens receive equal protection under the law; enjoy a healthy environment; and given opportunities for consistent input into governmental decision-making; and

WHEREAS, New Jersey's communities of color and low-income communities have historically been located in areas of the State having a higher density of known contaminated sites as compared to other communities, with the accompanying potential for increased environmental and public health impacts; and

WHEREAS, studies by the Centers for Disease Control and Prevention (CDC) and other federal agencies have documented that the prevalence of childhood asthma is increasing, and that this increase is linked in part to poor air quality, and that prevalence is far higher for Black and Latino/Hispanic communities; and

WHEREAS, the Federal government has underscored the importance of Environmental Justice in Executive Order 12898 and created the National Environmental Justice Advisory Council to integrate environmental justice into the Environmental Protection Agency's policies, programs, initiatives and activities; and

WHEREAS, the State of New Jersey is committed to ensuring that communities of color and low-income communities are afforded fair treatment and meaningful involvement in decision-making regardless of race, color, ethnicity, religion, income or education level; and

WHEREAS, the State of New Jersey is further committed to promoting the protection of human health and the environment, empowerment via public involvement, and the dissemination of relevant information to inform and educate, especially in people of color and low-income communities; and

WHEREAS, the State of New Jersey is committed to enabling our older urban and suburban centers to be made more attractive and vital, creating a broader range of choices and more livable communities for families and businesses in New Jersey, consistent with the State Development and Redevelopment Plan and principles of Smart Growth; and

WHEREAS, the cumulative impact of multiple sources of exposure to environmental hazards in low-income and people of color communities, and the roles of multiple

agencies in addressing the causes and factors that compromise environmental health and quality of life in these communities require an interagency response; and

WHEREAS, the Department of Community Affairs (DCA), the Department of Environmental Protection (DEP), the Department of Health and Senior Services (DHSS), and the Department of Law and Public Safety (DL&PS) have entered into collaborative interagency work to address environmental health and quality of life issues in communities of color and low income, such as in the City of Camden and other urban, suburban, and rural communities;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All Executive Branch departments, agencies, boards, commissions and other bodies involved in decisions that may affect environmental quality and public health shall provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level. Programs and policies to protect and promote protection of human health and the environment shall be reviewed periodically to ensure that program implementation and dissemination of information meet the needs of low-income and communities of color, and seek to address disproportionate exposure to environmental hazards.
2. DEP and DHSS shall recognize the need to communicate significant public health and environmental information in languages other than English, by establishing Spanish-language websites.
3. The DEP will use available environmental and public health data to identify existing and proposed industrial and commercial facilities and areas in communities of color and low-income communities for which compliance, enforcement, remediation, siting and permitting strategies will be targeted to address impacts from these facilities.
4. Recognizing that there is greater reliance on subsistence fishing among communities of color and low-income communities, DEP, DHSS, and the Department of Agriculture, shall work together to develop and issue appropriately protective fish consumption advisories and provide effective risk communications, education programs and public information services with an objective of consistency with neighboring states, to the greatest extent possible.
5. Recognizing the significant health implications of fine particulate pollution, such as premature death and asthma, especially for urban communities, DEP and the Department of Transportation (DOT) shall develop a coordinated strategy for reducing the public's exposure to fine particulate pollution in affected

communities, particularly from diesel emissions from stationary and mobile sources.

6. The Commissioner of DEP and Commissioner of DHSS, or their appointed designees, shall convene a multi-agency task force, to be named the Environmental Justice Task Force, which will include senior management designees, from the Office of Counsel to the Governor, the Attorney General's office, the Departments of Environmental Protection, Human Services, Community Affairs, Health and Senior Services, Agriculture, Transportation, and Education. The Task Force shall be an advisory body, the purpose of which is to make recommendations to State Agency heads regarding actions to be taken to address environmental justice issues consistent with agencies' existing statutory and regulatory authority. The Task Force is authorized to consult with, and expand its membership to, other State agencies as needed to address concerns raised in affected communities.
7. The Commissioner of DEP shall reconstitute the existing Environmental Justice Advisory Council to the DEP, whose mission shall be to make recommendations to the Commissioner and the Environmental Justice Task Force in fulfillment of this Executive Order. The Advisory Council shall consist of fifteen (15) individuals and shall meet quarterly. The Council shall annually select a Chairperson from its membership and shall have a minimum composition of one third membership from grassroots or faith-based community organizations with additional membership to include membership from the following communities: academic public health, statewide environmental, civil rights and public health organizations; large and small business and industry; municipal and county officials, and organized labor.
8. Any community may file a petition with the Task Force that asserts that residents and workers in the community are subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse effects resulting from the implementation of laws affecting public health or the environment.
 - a. Petitions shall be signed by fifty (50) or more residents or workers, provided that at least twenty-five (25) are residents, in the affected community;
 - b. The Task Force shall identify a set of communities from the petitions filed, based on a selection criteria developed by the Task Force, including consideration of state agency resource constraints;
 - c. The Task Force shall meet directly with the selected communities to understand their concerns. If desired by any of the selected communities, the DEP and DHSS Commissioners shall establish a public meeting in which the Environmental Justice Task Force shall hear from the petitioners and evaluate the petitioners' claims. Where the petitioners

assert claims that lie predominantly within the jurisdiction of an agency other than the Task Force Chair, the chair shall include a senior management representative from the relevant agency as a member of the Task Force;

- d. The Task Force shall develop an Action Plan for each of the selected communities after consultation with the citizens, as well as local and county government as relevant, that will address environmental, social and economic factors that affect their health or environment. The Action Plan shall clearly delineate the steps that will be taken in each of the selected communities to reduce existing environmental burdens and avoid or reduce the imposition of additional environmental burdens through allocation of resources, exercise of regulatory discretion, and development of new standards and protections. The Action Plan, which shall be developed in consultation with the Environmental Justice Advisory Council, will specify community deliverables, a timeframe for implementation, and the justification and availability of financial and other resources to implement the Plan within the statutory and regulatory jurisdiction of the Departments of the State of New Jersey. The Task Force shall present the Action Plan to the relevant Departments, recommending its implementation;
 - e. The Task Force shall monitor the implementation of each Action Plan in the selected communities, and shall make recommendations to the Departments as necessary to facilitate implementation of the Action Plans. Departments shall implement the strategy to the fullest extent practicable in light of statutory and resource constraints;
 - f. As an integral part of each Action plan, DEP and DHSS shall jointly develop a strategy to identify and reduce the most significant environmental and public health risks facing each of the selected communities through chronic health disease surveillance, health monitoring, data gathering, community education and public participation;
 - g. The Task Force shall identify and make recommendations concerning legislative and regulatory changes appropriate to achieve the purposes of this Order as well as the purposes of any particular Action Plan; and
 - h. The Task Force shall prepare and publicly release a report concerning the status of the Action Plans within eighteen (18) months following the establishment of the Task Force.
9. All agencies will assist as appropriate in implementing this Order and achieving its purposes. The actions mandated as a result of this Executive Order shall be

accomplished within the bounds of, and consistent with, the legislative purpose supporting the relevant agency's existing statutory and regulatory authority.

10. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any Action Plan developed pursuant to this Order; nor is this Order intended to diminish any existing legal rights or remedies.
11. This Executive Order shall be in effect for five years from its effective date.
12. This Executive Order shall take effect immediately.

GIVEN, under my hand and seal this 19th day of January in the Year of Our Lord, Two Thousand and Four and of the Independence of the United States, the Two Hundred and Twenty-Eighth.

Governor

Attest:

Chief Counsel to the Governor